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700 Thirteenth Street, N.W., Suite 600
Washington, D.C. 20005-3960
PHONE: 202.654.6200
FAX: 202.654.6211
www.perkinscoie.com

April 22, 2013

Jeff S. Jordan
Federal Election Commission
999 E Street, NW, 6th Floor
Washington DC 20463

Re: Response to Complaint, MUR 6722

Dear Mr. Jordan:

On behalf of Dr. Raul Ruiz, Dr. Raul Ruiz for Congress and Greg Lucas Rodriguez in his official capacity as treasurer, (collectively, "Respondents"), this letter responds to the complaint in MUR 6722. The complaint fails to state a violation of the Federal Election Campaign Act, 2 U.S.C. § 431 et seq., and should be dismissed immediately.

In the web video referenced by the complaint, Representative Ruiz speaks twice, for a total of thirty-three seconds. He expresses appreciation for the positive impact House Majority PAC's efforts had in his race, and extolls the PAC's ability to reach out to Latino voters:

Not everyone gets the importance of the Latino vote, but just like the community members invested in my American dream, the House Majority PAC believes in that American dream, they believe they can make the investments that can make the difference in the future, with new ways of persuading and motivating the Latino vote.¹

...

When we got word that Darth Vader himself (laughs) Karl Rove and the Crossroads was coming in... you had to recruit the team to fight back and destroy that Death Star, and we fought back and we won.²

¹ See <http://www.youtube.com/watch?v=F4JFEFqNheQ> ("We Make the Difference") at 2:27.
² *Id.* at 3:51.

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A clear and conspicuous disclaimer accompanies Representative Ruiz's appearance in the web video, reading: "CONGRESSMAN RUIZ IS NOT ASKING FOR FUNDS OR DONATIONS." The web video does not expressly advocate his election or contain its functional equivalent, or republish his campaign materials. Nor, to the best of Respondents' knowledge and belief, has it been distributed through any medium other than free placement on the Internet.


Respondents concur in House Majority PAC's separate response to the complaint, which observes that the complaint does not allege a coordinated communication, and hence does not allege an in-kind contribution. The web video fails to satisfy the "content" prong of the Commission's coordination rules, which require a communication to be a "public communication" in order to be coordinated. *See* 11 C.F.R. § 109.21(c)(1)-(5); *see also* Advisory Opinion 2011-14. Because House Majority PAC distributed the web video solely over the Internet, and not for a fee, the web video is expressly exempt from the definition of "public communication" at 11 C.F.R. § 100.26, and hence cannot satisfy any of the content standards at 11 C.F.R. § 109.21(c).

Even if one were to contend that the web video somehow qualifies as a "public communication," it would still not have been coordinated, because it was distributed well over a year before Representative Ruiz's next election, *see* 11 C.F.R. § 109.21(c)(1), (4); did not republish his campaign materials, *see* 11 C.F.R. § 109.21(c)(2); and contained no express advocacy of Representative Ruiz's election or its functional equivalent, *see* 11 C.F.R. § 109.21(c)(3), (5).

At bottom, Representative Ruiz appeared in an Internet communication -- a category of speech specially and expressly protected by Commission rules. *See* Explanation and Justification, Regulations on Internet Communications, 71 Fed. Reg. 18589, 18590-91 (May 12, 2006). He did so to express general political support for the organization, and gratitude for its support in a previous election. The complaint presents no factual or legal basis to contend that he or his campaign violated any law or regulation.

We respectfully request the Commission to dismiss the complaint and close the matter.

Very truly yours,



Brian G. Svoboda
Daniel B. Nudelman
Counsel to Respondents